

REMARKS

The amendments to withdrawn claims 16, 22, 50, 60, 72, 79, 80, 91, 92, 100, 110, and 112 are indicated using the status identifier “Withdrawn-currently amended.” While 37 C.F.R. 1.121 and M.P.E.P. § 714 list “Original,” “Currently amended,” “Canceled,” “Withdrawn,” “Previously presented,” “New,” and “Not entered” as the status identifiers to be used, subsection C(E) of M.P.E.P. § 714 lists “Withdrawn-currently amended” as an acceptable alternative for “Withdrawn.” As such, Applicants’ use of the former status identifier to indicate amendments to the withdrawn claims complies with the current rules of the United States Patent and Trademark Office.

ELECTION OF SPECIES REQUIREMENT:

Applicants herein acknowledge the Election of Species Requirement in the above-referenced application. Claims 1 through 112 are currently pending in the application. The Office has identified the following eight species of invention:

Species I: Claims 1-13 and 14-25, drawn to a method of and system for conducting a pari-mutuel gaming activity comprising the steps of providing a patron an opportunity to select at least one runner from a list of runners, displaying a pool of wager options corresponding to the at least one runner, and providing the patron an opportunity to select at least one wager from the at least one displayed pool of wager options.

Species II: Claims 26-32 and 33-39, drawn to a method of and system for conducting a pari-mutuel gaming activity comprising the steps of providing at least one patron with the opportunity to place at least one first wager on a race, and providing the at least one patron with an opportunity to place at least one second wager on the race.

Species III: Claims 40-43 and 44-47, drawn to a method of and system for conducting a pari-mutuel gaming activity comprising the steps of providing at least one patron an opportunity to place at least one wager on the at least one runner, and marking an area of a display element representing the at least one runner.

Species IV: Claims 48-59 and 60-70, drawn to a method of and system for conducting a pari-mutuel gaming activity comprising the steps of selecting at least one portion of at least one wager on a race, display the at least one selection portion of the at least one wager, and providing the at least one patron an opportunity to place the at least one wager.

Species V: Claims 71-78 and 79-86, drawn to a method of and system for conducting a pari-mutuel gaming activity comprising the steps of displaying a table comprising at least one runner in a race, wherein the at least one column of the table comprises the at least one runner and at least one row of the table comprises the at least one runner, wherein the at least one column and the at least one row intersect at at least one cell, and providing an opportunity to place at least one wager on the race by selecting the at least one cell.

Species VI: Claims 87-90 and 91-94, drawn to a method of and system for conducting a pari-mutuel gaming activity comprising the steps of providing a menu having at least one variable rule corresponding to at least one area of a display element, enabling an organization conducting the pari-mutuel gaming activity to modify the at least one variable rule, and changing the at least one area displayed on the display element in accordance with the modification of the at least one variable rule.

Species VII: Claims 95-104 and 105-110, drawn to a method of and system for conducting a pari-mutuel gaming activity comprising the steps of providing at opportunity to designate at least one rule for the placement of at least one wager on at least one race, and automatically placing the at least one wager on the at least one race.

Species VIII: Claims 111 and 112, drawn to a method of and system for conducting a pari-mutuel gaming activity comprising the steps of providing an opportunity to select an area on a display element, and allowing a patron more than one multi-position or multi-leg wager, wherein the more than one multi-position or multi-leg wager may be effectuated with reselecting a pool.

Applicants hereby elect, without traverse, to prosecute the species of invention designated as Species II by the Examiner as set forth in claims 26-32 and 33-39. Applicants have indicated that the remaining claims are “Withdrawn” or “Withdrawn-currently amended,” as noted above.

Please Note Information Disclosure Statements

Applicants wish to draw the Examiner’s attention to the Information Disclosure Statements filed with the Office on **December 2, 2003, and May 2, 2005**, and respectfully request that the documents or other information referenced therein be made of record in the present application and that an initialed copy of the PTO/SB/08A forms be returned to the undersigned attorney evidencing same.

Should any of the documents, or portions thereof, be unavailable to the Examiner for any reason, please contact the undersigned attorney, who will supply same immediately by facsimile or other suitable method of delivery.

CONCLUSION

No new matter has been added. The amendments to the specification and claims address typographical and spelling errors, and improve antecedent basis. The amendments do not affect, or surrender, any scope of any claim as originally filed.

The Applicants again request entry of the amendments as set forth herein prior to examination of the application on the merits.

Respectfully submitted,



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